

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANTHONY BUTLER,

Case No. 3:18-cv-00344-MMD-CBC

Plaintiff,

ORDER

v.

NEVADA DEPT OF CORRECTIONS et al.,

Defendants.

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has submitted an amended civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed a financial certificate and an inmate account statement but has not filed an application to proceed *in forma pauperis*. (ECF Nos. 5, 6).

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* on this Court's approved form and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted an application to proceed *in forma pauperis* on this Court's approved form. (See ECF No. 6). The Court will retain Plaintiff's amended civil rights complaint (ECF No. 5), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma*

pauperis, he must file pages 1 through 3 of the application to proceed *in forma pauperis*.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this order, Plaintiff shall either: (1) file pages 1 through 3 of this Court's application to proceed *in forma pauperis*; or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order, dismissal of this action may result.

DATED THIS 10th day of September 2018.

UNITED STATES MAGISTRATE JUDGE